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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 002285

SIPDIS

NSC STAFF FOR POUNDS

E.O. 12958: DECL: 03/23/2015

TAGS: PHUM PGOV PREL KDEM EG

SUBJECT: CHARGES AGAINST AYMAN NOUR: ADDITIONAL DETAILS  
AND REACTIONS

REF: A. CAIRO 2254

1B. CAIRO 2202

Classified by ECPO Counselor John Desrocher for reasons 1.4  
(b) and (d).

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Summary  
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11. (C) The statement of Public Prosecutor Maher Abdel Wahed, released on March 22 when the GOE formally charged Ghad Party leader and aspirant presidential candidate Ayman Nour with forgery and knowingly using forged documents (ref A), provides additional details on the GOE's case against Nour. In the most recent issue of the Ghad party newspaper, Nour continued his defiant and dismissive counter-attack against the GOE (ref B). His supporters believe that the GOE aims to end his political career. End summary.

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The GOE's Case  
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12. (SBU) In his March 22 statement, Egypt's Public Prosecutor (analogous to the U.S. Attorney General) announced the referral of Nour (along with co-defendants Ismail Zakariyya Abdel Latif, Ayman Ismail, Galal Lutfy El Shinawy, Farag Shedid Abdel Hamid, Ahmad Abdel Shafi, and Mervat Saber) to a criminal court. He also noted that they are prohibited from foreign travel, and called for the arrest of an unnamed additional defendant who remains at large.

13. (SBU) The Public Prosecutor said that his investigations uncovered that one of the defendants (unnamed) had used names on obituary lists to forge 100 proxies as part of the Ghad Party's registration application and that the total number of forged proxies amounted to 1,435.

14. (SBU) Abdel Wahed further said that his investigation team had questioned 12 individuals, and had collected 40 witnesses. He noted that the prosecution started the investigation the same day Nour's immunity was lifted for fear that the evidence would be "lost." He added that the prosecution also searched Nour's house the same day and his car, which was left locked at the PA, after securing the permission of PA Speaker Serour.

15. (SBU) The Public Prosecutor asserted that no exceptional measures were taken in this case, and that Nour was released before the expiration of the preventive detention period stipulated by the court. He added that the charges leveled against Nour are all included in the penal code and that his being the head of a party does not make him immune to investigation in a crime, noting that "everybody is equal before the law." The Public Prosecutor asserted that the investigation did not touch at all the Ghad Party itself.

16. (SBU) Abdel Wahed stated that, on searching Nour's office, the prosecution found evidence that clearly showed that Nour had committed the forgery, and that one of the defendants confessed that he was ordered by Nour to set fire to some of the proxies in the office.

17. (SBU) The prosecution charged Nour and three others with personally - as well as with the help of others - forging stamps and seals that belong to the GOE. All defendants other than Nour were charged with forging official documents. Nour himself was also charged with participating with others in instigating, conspiring, and helping his co-defendants to commit forgery. According to the GOE's case, Nour gave his co-defendants a number of authentic proxies as well as money necessary to purchase the material for the forgeries.

18. (SBU) Finally, the Public Prosecutor warned against any attempt to use the Nour case "to incite foreign powers to encroach on Egypt's rights and sovereignty" under the guise of protecting human rights and democracy, stressing that this would be unacceptable. He asserted that the rule of law is the base of rule in Egypt and that there is no democracy without justice and no justice without the rule of law.

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Reactions  
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19. (SBU) The March 23 issue of the Ghad Party's weekly newspaper quoted Nour's assertion that the GOE's charges are false and the entire case is fabricated. Nour insisted that his trial will reveal the truth. Nour argued that the GOE's prosecution will only increase the strength of the Ghad Party's resolve. He announced that will hold a press conference on the evening of March 23 in Bab El Sha'riyya, his working-class parliamentary district. Nour asserted that the charges were partially driven by the GOE's effort to stop him from visiting the EU parliament in Strasbourg in response to an invitation recently addressed to him by an EU Parliamentary delegation. The Ghad Party leadership also announced plans to hold an emergency meeting on March 26. The Ghad newspaper stressed that the GOE's prosecution of Nour will not affect his plans to run for the presidency and asserted that the Public Prosecutor's statement is further evidence of the political nature of the GOE's prosecution of Nour.

10. (C) Hisham Kassem (protect), Ghad Party vice president and publisher of the independent newspaper Al Masry Al Youm, told us he had been expecting the GOE to proceed with prosecution of Nour. He thought that the GOE intended to drag the case out. Kassem noted that Nour was determined to run for president. Kassem said that he thought Nour "absolutely" has a good defense team. (Comment: Notwithstanding Kassem's confidence in Nour's lawyers, we remain puzzled by their statements to us on March 22, reported ref A, that Nour would be ineligible to run for office while the case against him proceeds. Our current best interpretation of relevant Egyptian law is that Nour is "innocent until proven guilty" and should technically be able to run while on trial. End comment.)

11. (C) Lawyer Negad El Bora'i (protect) told us that he was not surprised that the GOE had brought charges against Nour, particularly since Nour came out of prison with a defiant public relations campaign rather than laying low for a while. Bora'i, who said he has joined Nour's defense team, agreed that if Nour is convicted, he will not be able to run for parliament. Bora'i said he does not think the presidency is the issue, but rather the prosecution is focused on preventing Nour from returning to the People's Assembly. According to Egyptian law on political rights, a conviction for most crimes (including forgery) results in a convict's loss of his political rights. "This means that he could not take part in the 2005 elections," Bora'i continued, "and would also be kicked out of the Ghad. If he appeals, then we are talking about the 2010 PA elections."

12. (C) According to Bora'i, the GOE is effectively saying: "anyone can participate in political life, but there are limits and consequences. If you get into the game, you must expect and accept the consequences." Bora'i continued: "This is what is happening with Ayman and if anyone complains, the Government's answer is: this is all done legally and you cannot question our independent and fair judiciary. The same applies to NGOs. They are allowed to operate, but if they 'cross the line,' a media campaign is launched against them. If the NGOs complain, the GOE's ready answer is: this is the free press or the people's representatives in Parliament who are talking. The GOE has nothing to do with it."

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Comment  
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13. (C) The GOE's case against Nour appears to hinge on very technical, forensic issues. The trial, if it proceeds as expected, will easily be the most important political prosecution in Egypt since Saad Eddin Ibrahim's (SEI), which ran from 2000-2003. Given the political ramifications in this election year, the Nour case, in our view, will likely eclipse the significance of the SEI case. End comment.

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GRAY